

REMARKS

Claims 1-29 are pending in the application. Claims 1, 2, 5, 9-12, 17-19, 24-26 and 29 stand rejected. Claims 3, 4, 6-8, 13-16, 20-23, 27 and 28 are objected to as dependent upon a rejected base claim.

Claims 2, 5, 19, and 26-29 have been canceled. Claims 1, 4, 6, 7, 9, 11, 18, and 25 have been amended. Claims 30-34 have been added. Support for the amendments and new claims may be found, for example throughout instant specification, including the claims as originally filed. No new matter has been added.

Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends.

Rejections under 35 U.S.C. §112

Claims 2, 5, 12, and 19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended recitations of Markush groups to remove reference to "other" products and to remove the phrases "such as" and "peptides." Accordingly, Applicants respectfully request reconsideration and withdrawal of any rejection based on 35 U.S.C. §112, second paragraph.

Rejection of claims under 35 U.S.C. §102

Claims 1, 2, 5, 9-12, 17-19, 24, and 25 stand rejected under 35 U.S.C. §102, as being anticipated by Park et al. The Examiner indicates that Park et al discloses “contact lenses impregnated with solutions of Vitamin A, Vitamin E, ascorbic acid and other antioxidants such as glutathione.” Solely to expedite prosecution, Applicants have amended claims 1, 4, 11, and 18 so that these claims recite suitable components for the treatment and/or care and/or protection of the eye. The claimed components do not include Vitamin, Vitamin E or any other components disclosed in Park et al. Further, claims 2, 5, 12 and 19 have been canceled, rendering rejection of these claims moot. Claim 25 has been amended to recite the allowable subject matter of claims 27 and 28.

Because Park does not show all of the aspects of Applicants’ independent claims 1, 4, 11 and 18, Applicants traverse the Examiner’s 35 U.S.C. 102(b) rejection of these independent claims and consider these claims, and dependent claims thereon, allowable.

Rejection of claims under 35 U.S.C. §103

Claims 25 and 26 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Park in view of EP 0 473 159. Claim 25 has been amended to recite the allowable subject matter of claims 27 and 28, and claim 26 has been canceled, rendering this rejection moot. Accordingly, the Applicants respectfully request withdrawal of this rejection.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tuse et al. Claim 29 has been canceled, rendering this rejection moot. Accordingly, the Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-832-1000. Should a further extension of time be required other than provided for, Applicant hereby petitions for same and request that the extension fee and any other fee required for timely consideration of this application be charged to Deposit Account, **No. 06-1448**.

Date: December 22, 2004

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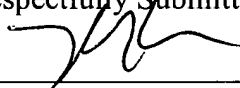
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Respectfully Submitted,



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